

EXHIBIT 65

Redacted Excerpts of Deposition of Nathan Quarry

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Cung Le, Nathan Quarry, Jon Fitch) Case No: 2:15-cv-01045-RFB(PAL)
Brandon Vera, Luis Javier Vazquez,)
and Kyle Kingsbury on behalf of)
themselves and all others)
similarly situated,)
)
Plaintiff,)
)
vs.)
)
Zuffa, LLC, d/b/a Ultimate)
Fighting Championship and UFC,)
)
)
Defendants.)

VIDEO DEPOSITION OF NATHAN QUARRY

taken at 300 South Fourth Street, Suite 800,
Las Vegas, Nevada 89101, beginning at 9:09 A.M.
and ending at 4:59 P.M. on Friday, September 30, 2016

Reported by:

Sarah Padilla
CCR NO. 929

Job No. 270538
Pages 1-297

1

1 Q So it was --

2 A Still a fighter for the UFC.

3 Q Right. And how close was it to the -- six
4 and a half years ago, do you consider yourself to
5 have formally retired as a fighter?

6 A I officially retired -- my last fight was
7 six and a half years ago. I believe it was
8 March 31st, that number sticks in my mind -- of
9 2010. I took a beating. Realized that I should
10 probably move on. I had a show that I did on Spike
11 TV, MMA uncensored. And for one of the episodes, I
12 officially announced my retirement on the show, so
13 it would be sometime in 2012.

14 Q So was the statement by Mr. Silva made
15 sometime before your last fight in March of 2010?

16 A Yes.

17 Q Do you remember how long approximately
18 before that last fight it was?

19 A No.

20 Q Was it close or years before?

21 A It was whenever they started doing
22 these -- fighters summit, that was what it was
23 called. It was whenever they started doing the
24 fighters' summits. And it was during one of those

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25 summits; I don't know which one.

1 Q All right. And would you explain the
2 context in which Mr. Silva made this statement. You
3 told me the statement, but can you give me the
4 broader context.

5 A The context is really Dana White wanted to
6 kind of consolidate, make sure all the fighters knew
7 that this is the way things are, this is how you're
8 required and expected to act. These are the new
9 commandments, such as the -- at one of the summits
10 they announced that all of the sponsors were now
11 having to pay a \$50,000 fee to the UFC to be able to
12 sponsor any of the fighters in the cage.

13 So it's at those summits where they just
14 kind of make those pronouncements of what is
15 happening, what are the new rules, if any. So the
16 context of him saying that was Dana White generally
17 would dominate the stage. He would have other
18 speakers up as well. And Joe Silva would come up as
19 the matchmaker, and he is the guy that the fighters
20 speak to more than anyone, I believe. So he just
21 wanted to share what his job is, what he does, and
22 express to them, I'm the match maker, I'm the one
23 who decides who you fight. If you don't like it --
24 if you don't like the first fight I offer you,

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25 you're not going to like the second, so take what I

1 give you the first time.

2 Q So the point of Mr. Silva's comment was,
3 as you understood it, was to cause fighters to
4 accept the first fight they were offered?

5 MR. CRAMER: Form.

6 BY MR. ISAACSON:

7 Q By Mr. Silva?

8 A No, I believe his intention was to say
9 this is what I'm offering you. You should just be
10 happy and take what I am telling you is your next
11 fight.

12 Q And what he -- what your understanding of
13 what he was saying in terms of what you should be
14 happy with is Mr. Silva telling you what your next
15 fight would be?

16 A Not necessarily be happy with it, but this
17 is the way it's going to be. UFC has their agenda
18 with the fights that they put together. So as it's
19 been shown over and over again, if a fighter -- Jon
20 Jones was a light heavyweight champion. He had an
21 opponent drop out, I don't recall what reason. They
22 were in danger of losing the entire fight card,
23 which would have cost UFC quite a bit of money. So
24 Chael Sonnen offered to step up and fight Jon Jones,

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25 I think with two weeks' notice. And Jon Jones said,

1 "No, this is a completely different matchup. I'm
2 not going to take this fight."

3 So Dana White got on social media and said
4 that Jon Jones and his coach Greg Jackson just
5 ruined that entire card. It was the card they
6 caused to go away. It's very much just we are the
7 ones that decide how things go. This is the fight.
8 When I say "offering," it's more of this is what
9 we're telling you to do.

10 Q So before Mr. Silva made these comments,
11 would you describe -- you had spoken to Mr. Silva a
12 lot, I gather?

13 MR. CRAMER: Form.

14 THE WITNESS: Often. Like I said, he is
15 more the face of the company to the fighters.

16 BY MR. ISAACSON:

17 Q And would you describe what your opinion
18 of Mr. Silva was before he made these comments?

19 A Boy, my opinion of Joe Silva. To me he
20 was always friendly, but he had an agenda. He's a
21 company man. I called to get tickets for a Seattle
22 show, UFC that was in Seattle, it was three hours
23 from Portland. I called and said, "I'd like to get
24 a couple tickets for the show." I never got a

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25 response back. I e-mailed Joe Silva. Joe Silva

Page 238

1 this agreement?

2 A I do not recall.

3 Q All right. Did you consider this to be
4 Bellator's standard bout agreement at the time?

5 MR. CRAMER: Foundation. Form. You may
6 answer.

7 THE WITNESS: Well, I will amend my
8 statement earlier that I have never seen any
9 Bellator contract other than this one. So I can't
10 compare it to any other contracts.

11 BY MR. ISAACSON:

12 Q Well, based on your knowledge of from
13 talking to fighters and in the industry, do you
14 believe that Bellator uses a standard -- uses a bout
15 agreement with standard terms?

16 MR. CRAMER: Foundation. Form. You may
17 answer.

18 THE WITNESS: I've never really talked to
19 other fighters about Bellator contracts.

20 BY MR. ISAACSON:

21 Q You've said that UFC does not do much, if
22 any, individual negotiations over its contracts --
23 over its contracts with fighters.

24 Do you believe that Bellator does?

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25 MR. CRAMER: Foundation. Form. You may

Page 239

1 answer.

2 THE WITNESS: I really don't know being
3 that they're more of an upstart organization who may
4 be trying to get -- be more competitive and offer
5 more lucrative deals. It's a possibility; I don't
6 know. But then on the other side, because there are
7 only two really televised organizations, the UFC at
8 the -- has the household name and Bellator is the
9 second, perhaps they do not need to do any other
10 negotiating. So I don't really know. It would be
11 all speculation on my side.

12 BY MR. ISAACSON:

13 Q Maybe I misunderstood. Did you say there
14 were only two televised organizations in MMA?

15 A I don't think I said that.

16 Q Okay. That's what I heard and what the
17 court reporter took down. And I'm not sure you
18 meant it.

19 A I may have misspoken.

20 Q All right.

21 A I kind of rambled on there for a while.

22 Q All right. Now let's go back to 17. So
23 where was 17. All right. So do you have 17?

24 A Yes, sir.

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25 Q This is dated as of January 1st, 2012.

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1 This is not signed. It's Bates stamped LE35702
2 through 711.

3 A 713?

4 Q 713. Thank you.

5 And it talks about this being an agreement
6 between New 38th Floor Productions and Nate Quarry
7 related to Spike's MMA Uncensored Live. All right.
8 This is produced by the plaintiffs. We don't --
9 they haven't produced a signed copy. Do you know if
10 this is the agreement you have entered for MMA
11 Uncensored Live?

12 A I'd say most likely it is.

13 Q Okay. And did you have any representation
14 at the time of this agreement?

15 A Yes. My agent there, Gary Ibarra.

16 Q And the contract has on page 3, 35704,
17 provisions from paragraph 5 on exclusivity and on
18 use of likeness.

19 Did you have any objections to these
20 provisions when you entered the contract?

21 A As it was a show that I wanted to be on
22 and there were many other shows and channels that I
23 could be on, I had no objection to this.

24 Q Did you view this contract as

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25 interfering -- as taking or appropriating your

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1 identity rights?

2 MR. CRAMER: Objection to the extent it
3 calls for a legal conclusion. Mr. Quarry is not a
4 contract lawyer.

5 THE WITNESS: I would say it was not
6 taking my likeness, right. I was giving it to them
7 as I entered into the contract with a little more
8 education and wanted to be a part of this show.

9 BY MR. ISAACSON:

10 Q Okay.

11 A And as I said, there were many other
12 shows. And as I was on the other American Cage
13 fighter, there was other opportunities, other
14 networks to do things as well.

15 Q When you say there were other shows and
16 other opportunities, you're referring to other
17 televised MMA shows?

18 A Any show in general.

19 Q But you were specifically hosting an MMA;
20 correct?

21 A Yes.

22 Q And you wanted -- and you were interested
23 in the show because it was an MMA show; correct?

24 A They were interested in me because it was

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25 an MMA show.

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1 Q I think you also testified that you wanted
2 to do this show. One reason you wanted to do this
3 show was because it was an MMA show; right?

4 A And one reason I wanted to do the show was
5 because it would pay me and it was something that I
6 knew the subject matter well.

7 Q The subject being MMA?

8 A Yes.

9 Q And how many competitive MMA shows were
10 there for you to consider?

11 MR. CRAMER: Objection to form. You may
12 answer.

13 THE WITNESS: I don't know how many shows
14 were on TV at this time discussing MMA.

15 BY MR. ISAACSON:

16 Q In terms of -- can you list -- do you have
17 in your head what are major MMA shows on television
18 discussing MMA that have hosts that you would have
19 considered at that time?

20 A Well, there's the one with Bas Rutten.
21 What is that, that HDNet fights? I don't recall the
22 name of his show. Other than that, I'm not too
23 sure.

24 Q Okay. The show HDNet Fights, excuse me my
25 ignorance, which MMA fighters are on that show?

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1 A I don't know. I just know of a show with
2 Bas Rutten.

3 Q Okay.

4 (Exhibit 19 was marked.)

5 MR. CRAMER: This is 20?

6 MR. ISAACSON: 19.

7 MR. CRAMER: I thought we already had 19.

8 BY MR. ISAACSON:

9 Q All right. Exhibit 19, Quarry Exhibit 19
10 is LE Plaintiffs 35729 743, through. It's

11 [REDACTED]
12 [REDACTED]
13 [REDACTED]

14 It's about a project for exhibition on Spike. So
15 take a look at this and tell me if this contract is
16 something that happened.

17 A Yes, I believe this was something that we
18 did.

19 Q And did you enter a contract -- did you
20 enter this contract, to your knowledge?

21 A Yes, I believe so.

22 Q All right. And you were represented by
23 Mr. Ibarra for this?

24 A Yes.

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25 Q All right. And on page 6, which is 734

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1 paragraph 12 seen on likeness use?

2 MR. CRAMER: Is there a question about
3 that?

4 MR. ISAACSON: Yes, there's about to be.

5 BY MR. ISAACSON:

6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]

11 Did you have any specific concerns about
12 that provision before you entered it?

13 MR. CRAMER: Foundation. Form.

14 THE WITNESS: My agent reviewed this on my
15 behalf. So I don't really have any knowledge about
16 the paragraph.

17 BY MR. ISAACSON:

18 Q I didn't ask you what the pilot or the TV
19 show being discussed in the document was.

20 MR. CRAMER: Are you going to ask him?

21 MR. ISAACSON: Yes. I am now asking him.

22 MR. CRAMER: Okay.

23 THE WITNESS: So this is confidential?
24 Because I don't want it to get out.

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25 MR. ISAACSON: It's up to your attorney.

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1 MR. CRAMER: Let's then designate it
2 highly confidential.

3 THE WITNESS: I believe this was a pilot
4 for a show called "Round By Round" where I would sit
5 with the fighter and they would commentate their own
6 fight and talk what happened in every second of
7 every single round, and we'd really get an in-depth
8 look at the fighter. And we shot a pilot that was
9 just aired on Spike's website, and it was not picked
10 up. But I still believe in the show.

11 BY MR. ISAACSON:

12 Q And they -- the fighter, in the pilot, was
13 it -- what type of MMA fighter was it? Bellator?

14 A Since it was a Spike TV agreement, it was
15 a Bellator fighter.

16 Q All right. And the program never went
17 forward, it was not picked up as you said. If it
18 had gone, if it had been picked up, it would have
19 continued to use Bellator fighters; is that right?

20 MR. CRAMER: Objection to form.
21 Foundation. Speculation.

22 THE WITNESS: Since it was Spike TV that
23 would be paying the bills for it, I assumed that
24 they wanted to use the platform to promote their

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25 fighters.

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1 BY MR. ISAACSON:

2 Q So bottom line, Exhibit 31 was the terms
3 of your management agreement with Mr. Aspinwall?

4 A Yes.

5 Q All right this will be 32.
6 (Exhibit 32 was marked.)

7 BY MR. ISAACSON:

8 Q 32 is Bates stamped Ibarra 24019 through
9 24029, meaning this is produced from Mr. Ibarra. On
10 the first page there's an e-mail to you to from
11 Mr. Ibarra dated October 5, 2012. And there's
12 e-mails, other e-mails in October 2012 throughout
13 this. The last page just seems to be the -- the
14 last couple pages just seem to be disclaimers.

15 So if I can ask you -- you were discussing
16 in this with your manager some specific events or
17 promotions here. So please review it, but I would
18 like to find out what the subject matter of this is?

19 MR. CRAMER: Take your time to take a look
20 at it.

21 BY MR. ISAACSON:

22 Q I think you'll find if you start at page 8
23 and work your way backwards, that is the substance.
24 Everything else after that is e-mail disclaimers.

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25 And if it helps your memory, this reference is to a

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1 Kizuna MMA event in Argentina.

2 A I believe I was approached by a couple
3 people that were looking to start some type of MMA
4 promotion, I think in Argentina called Kizuna.

5 Q Did the event in Argentina happen?

6 A I don't know. It didn't happen with me if
7 it did. I don't really have any knowledge of that.

8 Q Now, on page -- there's a page No. 4 at
9 the bottom, it's Bates stamped 24022. There's an
10 e-mail from you on that page that, in the middle
11 talks about, "Gary would undertake the role of Joe
12 Silva." Do you see that?

13 A Yes.

14 Q Now is Gary, Mr. Ibarra?

15 A Yes.

16 Q And so that, by undertaking the role of
17 Joe Silva, he would set up the matches; is that
18 right?

19 A Yes, he would be the one to find the
20 fighters and do the matchups.

21 Q And you say -- you go on to say later in
22 the paragraph, "They will come calling. I don't
23 think we'll have too difficult of a time filling the
24 card with talent." What were you referring to

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25 there?

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1 A When you're putting on a low-level show,
2 you can always find a lot of people to fight. In
3 Portland we have the Full Contact Fighting
4 Federation, which is an amateur show, and in every
5 card is filled with 12 or 15 fights. So when you
6 looking at just a low-level show, it's generally
7 pretty easy to find fighters to fill that. You'll
8 still have exciting fights, they just won't be top
9 talent.

10 Q And then on page 2 at the top, you say,
11 "Since this is going to be a partnership between us,
12 I'd like you to continue to run things by me before
13 announcing to the group. It's the four of us."
14 Who's the group of the four of you?

15 A This was four years ago. I don't recall.
16 I think you would have to read through the e-mails
17 to find out everyone's name. Looks like Martin
18 Wilde, Lucas Lugo, myself, and Gary Ibarra.

19 Q Earlier in the deposition you used the
20 term "elite." Do you have a definition of what an
21 elite MMA fighter is?

22 A Boy, the elite fighters, that's, again,
23 going back to the pornography reference. I don't
24 know how to explain it, but I know it when I see it.

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25 There's one big difference between run of the mill

Page 273

1 fighters and the elite fighters. They have the
2 talent and the drive.

3 Much like in jujitsu, you have the white
4 belt, the blue belt, the purple belt, the brown
5 belt, and the black belt. The elite jujitsu
6 practitioners are the black belts. It's a matter of
7 the skill level that becomes the elite fighters.

8 Q Can you give examples in the UFC of
9 fighters you consider to be elite?

10 A Yes.

11 Q Would you give me a couple examples?

12 A Boy, I'm terrible at just listing names,
13 but you start with all the champions, all of the
14 contenders, and just work your way down from there.

15 Q Can you give me examples of fighters in
16 the UFC who you consider to be not elite?

17 A I think the fighters who are not elite in
18 the UFC, as far as fighting skill, wash out very
19 quickly. That may be someone who came in through
20 the Ultimate Fighter, made it through for one reason
21 or another, started competing in the UFC and just
22 did not have the skill level to compete at the
23 higher levels.

24 Then you have someone that -- and you have

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25 others that just bring notoriety, such as someone

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1 A I do not recognize Full Combat
2 Supplements, LaCrosse Footwear.

3 Q LaCrosse Footwear?

4 A I don't think so. I think I recognize the
5 rest. Gary Ibarra would definitely know more than I
6 would about sponsors.

7 Q And why would you be unfamiliar, or why
8 would Mr. Ibarra be more familiar with your sponsors
9 than you?

10 A Because he was my agent, and he would get
11 me the sponsors, and put them on my gear, and on my
12 banners, and then collect the funds, generally. So
13 I didn't have to have very much interaction with any
14 this. The sponsors just wanted to use me as
15 advertising space.

16 Q All right. So if you got a complete list
17 of your sponsors during your time of your fighting
18 career, you would not recognize all of the sponsors
19 on there?

20 A Most likely I would not.

21 MR. ISAACSON: All right. Thanks for your
22 time today, sir.

23 MR. CRAMER: We have no questions.

24 THE VIDEOGRAPHER: This concludes the
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video deposition of Nathan Quarry. We are now going

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1 off the record. The time is approximately 4:59 P.M.

2 THE COURT REPORTER: Are you getting a
3 copy, Counsel?

4 MR. CRAMER: Yes. Read and sign.
5 (TIME NOTED: 4:59 P.M.)
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CERTIFICATE OF WITNESS

2 PAGE LINE CHANGE REASON
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20
21 I, Nathan Quarry, witness herein, do hereby
22 certify and declare under penalty of perjury the within
23 and foregoing transcription to be my deposition in said
24 action; that I have read, corrected and do hereby affix
my signature to said deposition.

Nathan Quarry

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Witness

Date

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1 STATE OF NEVADA)

) Ss

2 COUNTY OF CLARK)

3
4 I, Sarah Padilla, a duly commissioned and
5 licensed court reporter, Clark County, State of Nevada,
6 do hereby certify: That I reported the taking of the
7 deposition of the witness, Nathan Quarry, commencing on
8 Friday, September 30, 201, at 9:09 A.M.; That prior to
9 being examined, the witness was, by me, duly sworn to
10 testify to the truth; That thereafter I transcribed my
11 shorthand notes into typewriting and that the typewritten
12 transcript of said deposition is a complete, true, and
13 accurate record of said shorthand notes. I further
14 certify that I am not a relative or employee of any
15 attorney or counsel of any of the parties nor a relative
16 or employee of an attorney or counsel involved in said
17 action, nor a person financially interested in the
18 action; that a request [x] has [] has not been made to
19 review the transcript.

20 IN WITNESS WHEREOF, I have hereunto set my
21 hand in the County of Clark, State of Nevada, this __ day
22 of ____.

SARAH PADILLA, CCR 929

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